

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESE DAVID CARILLO CASILLAS (2)
and FRANCISCO DUARTE FIGUEROA (6),

Defendants.

No. 4:15-CR-06049-EFS-2
4:15-CR-06049-EFS-6

**ORDER GRANTING THE USAO'S MOTION
FOR DISCLOSURE AND FOR PROTECTIVE
ORDER AND GRANTING USAO'S RELATED
MOTION TO EXPEDITE**

Before the Court, without oral argument, are the U.S. Attorney's Office's (USAO) Motion to Disclose Pre-Indictment Pleadings for Discovery But Not Unsealing and for Protective Order, ECF No. 72, and related Motion to Expedite Hearing, ECF No. 73. The USAO seeks permission to disclose certain sealed documents to defense counsel without unsealing the documents and to set parameters for the parties' use of sealed documents during discovery and court hearings. ECF No. 72. In support of its request, the USAO points out that the sealed documents pertain to an ongoing investigation and there is a need to protect the safety and security of any cooperating witnesses, defendants, confidential informants, and undercover law enforcement officers. ECF No. 72. The USAO also seeks a protective order regarding sealed information. ECF No. 72. Because resolution of this issue is necessary to further discovery in this case, which is set for trial on

1 October 17, 2016, the Court finds good cause to expedite consideration
2 of these motions.

3 The investigation that resulted in the Indictment in this case
4 involved a number of warrants filed under seal in the U.S. Magistrate
5 Court. See ECF No. 72. Although these documents should remain sealed
6 to protect any cooperators and to avoid jeopardizing an ongoing
7 investigation, Defendants and their counsel must have access to these
8 documents to prepare their defense. Further, the USAO avers that it
9 has contacted the Defendants' counsel and there are no objections.
10 Therefore, the Court finds good cause to grant the USAO's motions and
11 notes that the parties are expected to be vigilant in protecting the
12 identity of any cooperators referenced in sealed documents.

13 Accordingly, **IT IS HEREBY ORDERED:**

14 1. The USAO's Motion to Disclose Pre-Indictment Pleadings for
15 Discovery But Not Unsealing and for Protective Order, **ECF**
16 **No. 72**, is **GRANTED**. The USAO is permitted to disclose related
17 pre-indictment pleadings that are currently sealed by the
18 Court (hereinafter "Protective Discovery") to counsel for
19 the above referenced Defendants' pursuant to its discovery
20 obligations; such applications, orders and warrants shall
21 otherwise remain sealed.

22 2. The USAO's Motion to Expedite Hearing, **ECF No. 73**, is
23 **GRANTED**.

24 ///

25 //

26 /

1 3. A **protective order is entered** as follows:

2 a. The USAO will provide discovery materials (including
3 Protective Discovery) on an ongoing basis to defense
4 counsel;

5 b. Defense counsel may possess but not copy (excluding the
6 production of necessary working copies) the discovery
7 materials, including sealed documents;

8 c. Defense counsel may show to, and discuss with the
9 Defendants the discovery material, including sealed
10 documents;

11 d. Defense counsel shall not provide original or copies
12 of discovery materials directly to the Defendants;

13 e. Defense counsel shall not otherwise provide original
14 or copies of the discovery material to any other person,
15 including subsequently appointed or retained defense
16 counsel, but excluding any staff of defense counsel or
17 investigator and/or expert engaged by defense counsel,
18 who will also be bound by the terms and conditions of
19 the protective order;

20 f. The USAO and defense counsel may reference the
21 existence and content of sealed discovery material in
22 open and closed court proceedings relevant to this
23 cause. Any reference to the content of the Protected
24 Discovery shall be filed under seal, until further
25 order of the Court.

1 g. The parties may seek relief from this Order for good
2 cause shown.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
4 Order and provide copies to all counsel and to Magistrate Judge Dimke.

5 **DATED** this 12th day of September 2016.

6 _____s/Edward F. Shea_____
7 EDWARD F. SHEA
8 Senior United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26